IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1355 of 1981

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KARHIBHAI RAMABHAI - Appellant(s)
Versus
SPL.LAND ACQUISITION OFFICER - Defendant(s)

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Appearance :
MR PT PATEL for Appellant(s) : 1,1.2.1 NOTICE NOT RECD BACK for Appellant(s) : 1.2.1 NOTICE UNSERVED for Appellant(s) : 1.2.1
MR UDAY BHATT A.G.P. for Defendant(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 01/12/2006

ORAL JUDGMENT

1. This appeal has been for filed seeking enhancement of the award made by the learned Extra Assistant Judge, at Vadodara dated 4th November, 1980 in

Reference Case No. 61 of 1976.

2. Originally it was filed by Mr. P.T. Patel learned advocate for the appellant. He has expired. This Court, therefore, issued notice by order dated 23rd March, 2006. The report of the bailiff shows that it was served on the appellant on 29th April, 2006. However, till this date no appearance has been filed on behalf of the appellant. This Court by giving detailed judgment dated 15th September, 2006 has decided First Appeal No. 1333 of 1981 which is also arising from the same judgment and adequate reasons have been assigned by this Court in the said judgment for partly allowing that appeal. This appeal is cognate matter of First Appeal No. 1333 of 1981. The facts and law involved in both the appeals are common, hence, even in absence of the appellant this appeal can be disposed of on the same terms, which are as under :-

> “The award made by the Reference Court is required to be slightly modified and the market value is required to be enhanced from Rs.33,000=00 per Hectare to Rs.45,000=00 per Hectare together with all incidental and statutory benefits including the solatium and interest. “

3. In the result the appeal is partly allowed with no order as to costs.

4. Copy of the judgment of First Appeal No. 1333 of 1981 to be kept in this appeal.

R & P to be re-transmitted to the Reference Court forthwith.

[Akshay H. Mehta, J.]

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